

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ERIC R. BAHE, Custodian, CGM Roth
Conversion IRA,**

Plaintiff,

v.

**FRANKLIN/TEMPLETON DISTRIBUTORS,
INC., and WILLIAM J. LIPPMAN,**

Defendants, and

**FRANKLIN BALANCE SHEET INVESTMENT
FUND,**

Nominal Defendant.

**Civil Action No. 04-11195
(MLW)**

**PLAINTIFF'S ASSENTED-TO MOTION FOR CONTINUANCE OF HEARING
ON DEFENDANTS' MOTION TO DISMISS**

Plaintiff Eric R. Bahe hereby moves this Court to continue the hearing on Defendants' Motion to Dismiss scheduled for March 3, 2005 to a date in March after March 8, 2005 that is convenient to the Court. As reasons therefor, Plaintiff states that the hearing on Defendants' Motion to Dismiss was previously scheduled for February 10, 2005 at 3:00 p.m. At 1:30 p.m. on February 10, 2005, the Court's clerk notified Plaintiff's lead attorney, Edward F. Haber, that the Court wished to reschedule the hearing for March 3, 2005 so that the Court could continue a criminal trial into the afternoon. At that time, Mr. Haber advised the Court's clerk that he would be out of town from February 28 through March 7, 2005 on a previously planned vacation trip.

The parties' counsel have conferred and defendants have assented to the continuance of the hearing to a date in March after March 8, 2005.

WHEREFORE, Plaintiff respectfully requests that this Court continue the March 3, 2005 hearing on Defendants' Motion to Dismiss to a date in March after March 8, 2005 that is convenient to the Court.

Dated: February 23, 2005

Respectfully submitted,

/s/Theodore M. Hess-Mahan

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CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

I hereby certify that the parties' counsel have conferred in a good faith effort to narrow or resolve the issues raised by this motion and that defendants have assented to the relief requested herein.

/s/Theodore M. Hess-Mahan

Theodore M. Hess-Mahan